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| Examiner-Initiated Interview Summary | Application No. 10/567,367 | Applicant(s) BALEY ET AL. | |
| | Examiner JOHN PAK | Art Unit 1616 | |

All Participants:

(1) JOHN PAK.

(2) MICHAEL WHITHAM.

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 13 April 2011

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☒ Yes ☐ No

If Yes, provide a brief description: *Examiner Pak faxed a claim amendment draft proposal for further review. Copy of this fax is attached hereto.*

Part I.

Rejection(s) discussed:

Claims discussed:

All

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner proposed a claim amendment as set forth in the attached fax, pending further search update and review to determine ultimate patentability or non-patentability (see statements to that effect in the fax copy). The proposed claims were for the purpose of finding subject matter that both parties could agree to for pursuing allowance. On 4/15/2011, Mr. Whitham notified the Examiner that applicant would not accept the claims as proposed. Applicant wanted to delete the last clause, "wherein no other fungicide is applied to the crop." Therefore, no agreement could be reached. .